



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, वीरवार, 26 सितम्बर, 2013/4 आश्विन, 1935

हिमाचल प्रदेश सरकार

सामान्य प्रशासन विभाग
ख-अनुभाग

अधिसूचना

शिमला-2, 25 सितम्बर, 2013

संख्या: जीएडी-बी-(ए) 1-11/2013 (मण्डी).—हिमाचल प्रदेश की राज्यपाल की यह राय है कि ऐसा करना आवश्यक है कि नीचे दी गई स्तम्भ संख्या 5 में दर्शाए गए पटवार वृत्तों से गठित, जिला मण्डी में

एक नई तहसील बल्ह सृजित की जाए, जिसका मुख्यालय नेरचौक में होगा, ताकि नजदीक के गांवों के सम्बद्ध लोगों को उनके गांव के समीप बेहतर सेवाएं उपलब्ध करवाई जा सकें और उनको होने वाली असुविधा से निवारित किया जा सके तथा बेहतर प्रशासनिक नियन्त्रण हो सके।

अतः हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 (1954 का अधिनियम संख्यांक 6) की धारा 6 और रजिस्ट्रीकरण अधिनियम, 1908 (1908 का अधिनियम संख्यांक 16) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जिला मण्डी, हिमाचल प्रदेश में एक नई तहसील बल्ह का सृजन करती हैं, जिसका मुख्यालय नेरचौक में होगा :-

तहसील का नाम	उप-मण्डल का नाम	जिला	मुख्यालय	सम्मिलित पटवार वृत्तों के नाम	तहसील का नाम जिससे अपवर्जित किया गया है
1	2	3	4	5	6
बल्ह	सदर-मण्डी	मण्डी	नेरचौक	1. गगल 2. कुम्मी 3. राजगढ़ 4. बग्गी 5. लोहारा 6. ददोह 7. सलवाहन 8. जड़ोली 9. रजवाड़ी 10. छमयार 11. पाइरी 12. गलमा 13. बालट 14. मल्लेहड़ 15. नेर 16. भंगरोटू 17. बगला 18. भडयाल 19. सिधयानी 20. गुरकोठा 21. लेदा 22. घदयातर 23. धार 24. रिवालसर 25. रियुर 26. खाबू 27. गम्भर खड्ड	सदर-मण्डी

आदेश द्वारा,
सुदृप्त राय,
मुख्य सचिव।

[Authoritative English text of the Himachal Pradesh Government Notification No. GAB-(A)-1-11/2013 (Mandi) Dated 25-9-2013 as required under clause(3) of Article 348 of the Constitution of India].

**GENERAL ADMINISTRATION DEPARTMENT
B-SECTION**

NOTIFICATION

Shimla-2, the 25 September, 2013

No. GAD-B-(A)-1-11/2013 (Mandi).—Whereas, the Governor of Himachal Pradesh is of the opinion that it is necessary to do so that a new Tehsil Balh with its Headquarter at Nerchowk in District Mandi may be created, consisting of the Patwar Circles shown in column 5 below, to provide better services to the concerned people of nearby villages and to avoid inconvenience faced by them & to have better administrative control.

Now, therefore, in exercise of the powers conferred by section 6 of the Himachal Pradesh Land Revenue Act, 1954 (Act No.6 of 1954) and section 5 of the Registration Act, 1908 (Act No. 16 of 1908) the Governor of Himachal Pradesh is pleased to create a new Tehsil Balh with its Headquarter at Nerchowk in District Mandi, Himachal Pradesh:—

Name of Tehsil	Name of Sub-Division	District	Headquarter	Patwar Circles Included	Name of Tehsil from where excluded
1	2	3	4	5	6
Balh	Sadar Mandi	Mandi	Nerchowk	1. Gagal	Sadar Mandi

2. Kummi
3. Rajgarh
4. Baggi
5. Lohara
6. Dadoh
7. Salwahan
8. Jaroli
9. Rajwari
10. Chhamyar
11. Pairi
12. Galma
13. Balt
14. Maltehar
15. Ner
16. Bhangrotu
17. Bagla
18. Bhadyal
19. Sidhyani
20. Gurkotha
21. Leda
22. Ghadyater

23. Dhar
24. Rewalsar
25. Riur
26. Khabu
27. Gambhar Khad

By order,
SUDRIPTA ROY,
Chief Secretary.

विधि विभाग

अधिसूचना

शिमला, 25 सितम्बर, 2013

संख्या: एल0एल0आर0—डी0(6)—31/2013—लेज.—हिमाचल प्रदेश राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 20-09-2013 को अनुमोदित हिमाचल प्रदेश नगरपालिका (संशोधन) विधेयक, 2013 (2013 का विधेयक संख्यांक 27) को वर्ष 2013 के अधिनियम संख्यांक 50 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,
चिराग भानु सिंह,
सचिव (विधि)।

2013 का अधिनियम संख्यांक 50

हिमाचल प्रदेश नगरपालिका (संशोधन) अधिनियम, 2013

(राज्यपाल महोदया द्वारा तारीख 20 सितम्बर, 2013 को यथाअनुमोदित)

हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 (1994 का अधिनियम संख्यांक 13) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के चौंसठवें वर्ष में हिमाचल प्रदेश विधानसभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

1. **संक्षिप्त नाम और प्रारम्भ.—**(1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश नगरपालिका (संशोधन) अधिनियम, 2013 है।

(2) यह 27 जुलाई, 2013 को प्रवृत्त हुआ समझा जाएगा।

2. **धारा 10 का संशोधन.—**हिमाचल प्रदेश नगरपालिका अधिनियम, 1994 (जिसे इसमें इसके पश्चात् "मूल अधिनियम" कहा गया है) की धारा 10 में,—

(क) उपधारा (1) में, "अध्यक्ष, उपाध्यक्ष और" शब्दों और चिन्ह का लोप किया जाएगा;

- (ख) उपधारा (2) में, "अध्यक्ष और उपाध्यक्ष सहित" शब्दों का लोप किया जाएगा; और
- (ग) उपधारा (2) के खण्ड (क) के उप-खण्ड (ii) के विद्यमान परन्तुक का लोप किया जाएगा।
3. **धारा 11 का संशोधन.**—मूल अधिनियम की धारा 11 की उपधारा (1) में, "अध्यक्ष और उपाध्यक्ष के लिए स्थान को छोड़ कर" शब्दों और इसके विद्यमान प्रथम परन्तुक का लोप किया जाएगा।
4. **धारा 13 का संशोधन.**— मूल अधिनियम की धारा 13 में, "अध्यक्ष, उपाध्यक्ष और" शब्द और चिन्ह, जहां-जहां वे आते हैं, का लोप किया जाएगा।
5. **धारा 17 का संशोधन.**—मूल अधिनियम की धारा 17 में, "अध्यक्ष या उपाध्यक्ष या" शब्दों का लोप किया जाएगा।
6. **धारा 18 का संशोधन.**—मूल अधिनियम की धारा 18 में,—
- (क) उपधारा (1) में, "अध्यक्ष या उपाध्यक्ष या" शब्दों का लोप किया जाएगा; और
- (ख) परन्तुक में, "अध्यक्ष या उपाध्यक्ष या" शब्दों का लोप किया जाएगा।
7. **धारा 22 का प्रतिस्थापन.**—मूल अधिनियम की धारा 22 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—
- "22. अध्यक्ष तथा उपाध्यक्ष का निर्वाचन.**—प्रत्येक नगरपालिका परिषद् या नगर पंचायत, अपने निर्वाचित सदस्यों में से किसी एक को अध्यक्ष और किसी अन्य को उपाध्यक्ष निर्वाचित करेगी और इस प्रकार निर्वाचित सदस्य नगरपालिका परिषद् या नगर पंचायत का, यथास्थिति, अध्यक्ष या उपाध्यक्ष होगा:
- परन्तु नगरपालिका परिषदों तथा नगर पंचायतों में अध्यक्ष का पद, धारा 12 के उपबन्धों के अनुसार अनुसूचित जातियों, अनुसूचित जन- जातियों और महिलाओं के लिए आरक्षित होगा :
- परन्तु यह और कि यदि अध्यक्ष या उपाध्यक्ष का पद, मृत्यु, त्याग-पत्र, हटाए जाने या अविश्वास प्रस्ताव के कारण उसकी पदावधि के दौरान रिक्त हो जाता है, तो शेष अवधि के लिए नया निर्वाचन उसी प्रवर्ग में से करवाया जाएगा।"
8. **धारा 23 का संशोधन.**—मूल अधिनियम की धारा 23 की उपधारा (1) में "पाँच वर्ष या" शब्दों के पश्चात् किन्तु "उसकी पदावधि का शेष "शब्दों से पूर्व "सदस्य के रूप में" शब्द अन्तः स्थापित किए जाएंगे।
9. **धारा 25 का अन्तः स्थापन.**—मूल अधिनियम की धारा 24 के पश्चात् निम्नलिखित नई धारा अन्तः स्थापित की जाएगी, अर्थात् :—

"25. अध्यक्ष या उपाध्यक्ष के विरुद्ध अविश्वास प्रस्ताव.—(1) अध्यक्ष या उपाध्यक्ष के विरुद्ध अविश्वास प्रस्ताव ऐसी प्रक्रिया के अनुसार लाया जा सकेगा, जैसी विहित की जाए।

(2) जहां नगरपालिका के अध्यक्ष या उपाध्यक्ष से उसके पद को रिक्त करने की अपेक्षा करने के लिए, इसके कुल निर्वाचित सदस्यों के बहुमत द्वारा हस्ताक्षरित संकल्प लाने के लिए इस आशय का नोटिस दिया जाता है और यदि इसकी साधारण या विशेष बैठक में उपस्थित और मतदान करने वाले निर्वाचित सदस्यों के बहुमत द्वारा, जिसकी गणपूर्ति इसके निर्वाचित सदस्यों की कुल संख्या के आधे से कम नहीं है, पारित संकल्प द्वारा अविश्वास प्रस्ताव पारित किया जाता है, तो वह अध्यक्ष या उपाध्यक्ष जिसके विरुद्ध ऐसा संकल्प पारित किया जाता है, तत्काल प्रभाव से अपने पद पर नहीं रहेगा।

(3) इस अधिनियम या तद्धीन बनाए गए नियमों में किसी बात के होते हुए भी, नगरपालिका का अध्यक्ष या उपाध्यक्ष, ऐसी बैठक की अध्यक्षता नहीं करेगा, जिसमें उसके विरुद्ध अविश्वास प्रस्ताव पर विचार किया जाना है। ऐसी बैठक की अध्यक्षता, ऐसे व्यक्ति द्वारा की जाएगी और ऐसी रीति में आयोजित की जाएगी, जैसी विहित की जाए तथा व्यक्ति जिसके विरुद्ध अविश्वास प्रस्ताव लाया गया है, उसे ऐसी बैठक की कार्यवाहियों में भाग लेने और मत देने का अधिकार होगा।

(4) इस धारा के अधीन अविश्वास प्रस्ताव, उसके ऐसे पद पर निर्वाचन की तारीख से एक वर्ष के भीतर पोषणीय नहीं होगा और कोई पश्चात्तर्वर्ती अविश्वास प्रस्ताव पूर्व अविश्वास प्रस्ताव से एक वर्ष के अन्तराल के भीतर पोषणीय नहीं होगा।”।

10. धारा 69 का संशोधन.—मूल अधिनियम की धारा 69 की उपधारा (1) में, “नगरपालिका क्षेत्र की सीमाओं के भीतर किसी व्यक्ति द्वारा उपभोग की गई बिजली के प्रत्येक यूनिट के लिए एक पैसे की दर पर बिजली के उपभोग पर कर, “शब्दों और चिन्ह के स्थान पर “राज्य सरकार अधिसूचना द्वारा, नगरपालिका क्षेत्र की सीमाओं के भीतर किसी व्यक्ति द्वारा उपभुक्त बिजली (विद्युत) के लिए कर अवधारित कर सकेगी जो बिजली के उपभोग पर बीस पैसे प्रति युनिट की दर से अधिक न होगा” शब्द और चिन्ह रखे जाएंगे।

11. धारा 134 का प्रतिस्थापन.—मूल अधिनियम की धारा 134 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—

“134. **मलवहन का निस्सारण.**— जो कोई, नगरपालिका की अनुज्ञा के बिना किसी कुण्ड, मल—प्रणाल या मल—कुण्ड के पदार्थों का अथवा किसी अन्य घृणोत्पादक पदार्थ का, किसी मार्ग (स्ट्रीट) पर या सार्वजनिक स्थान में या किसी सिंचाई चैनल में या किसी ऐसे मल—प्रणाल या नाली में, जो इस प्रयोजन के लिए अलग से नहीं बनाई गई है, निस्सारण, अपवहन या छोड़ा जाना कारित करता है या जानबूझ कर या उपेक्षावश ऐसा होने देता है, तो वह प्रथम अपराध के लिए जुर्माने से, जो दो हजार पाँच सौ रूपए से कम नहीं होगा और दस हजार रूपए से अधिक नहीं होगा, दण्डनीय होगा और द्वितीय उल्लंघन के लिए, उपरोक्त यथा विनिर्दिष्ट शास्ति के अतिरिक्त वह नगरपालिका के प्राधिकृत अधिकारी के पर्यवेक्षण के अधीन, विडियोग्राफी के अन्तर्गत, कम से कम एक सप्ताह की अवधि के लिए व्यक्तिगत रूप से उसके प्रश्नगत परिसरों में या उसके आस—पास के सार्वजनिक क्षेत्र को साफ करने की सामुदायिक सेवाएं प्रदान करने के लिए दायी होगा :

परन्तु यदि ऐसा व्यक्ति उसी अपराध को तीसरी बार और तत्पश्चात् भी करता है, तो नगरपालिका, यथास्थिति, आवासीय के साथ—साथ वाणिज्यिक स्थापनों में नागरिक सुख—सुविधाओं, जैसे कि जल की आपूर्ति, विद्युत का प्रदाय आदि करने से इन्कार कर सकेगी या उन्हें बन्द कर सकेगी।”।

12. 2013 के अध्यादेश संख्यांक 3 का निरसन और व्यावृत्तियाँ.—(1) हिमाचल प्रदेश नगरपालिका (संशोधन) अध्यादेश, 2013 का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन में होते हुए भी इस प्रकार निरसित अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई इस अधिनियम के तत्स्थानी उपबन्धों के अधीन की गई समझी जाएगी।

AUTHORITATIVE ENGLISH TEXT

Act No. 50 of 2013

THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT) ACT, 2013

(As Assented to by the Governor on 20TH SEPTEMBER, 2013)

AN

ACT

further to amend the Himachal Pradesh Municipal Act, 1994 (Act No.13 of 1994).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Municipal (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on 27th day of July, 2013.

2. Amendment of section 10.—In section 10 of the Himachal Pradesh Municipal Act, 1994 (hereinafter referred to as the “principal Act”),—

- (a) in sub-section (1), the words and signs “President, Vice- President and” shall be omitted.;
- (b) in sub-section (2), the words and sign “including the President and the Vice-President” shall be omitted.; and
- (c) existing proviso to sub-clause (ii) of clause (a) of sub-section (2) shall be omitted.

3. Amendment of section 11.—In section 11 of the principal Act, in sub-section (1), the words and sign “excluding the seat for President and Vice-President” and existing first proviso shall be omitted.

4. Amendment of section 13.—In section 13 of the principal Act, the words and signs “President, Vice-President and” wherever they occur shall be omitted.

5. Amendment of section 17.—In section 17 of the principal Act, the words and sign “President or Vice-President or a” shall be omitted.

6. Amendment of section 18.—In section 18 of the principal Act,—

- (a) in sub-section (1), the words and sign “President or Vice-President or” shall be omitted.; and
- (b) in proviso, the words and sign “President or Vice-President or” shall be omitted.

7. Substitution of section 22.—For section 22 of the principal Act, the following section shall be substituted, namely:—

“22. Election of President and Vice-President.- Every Municipal Council or Nagar Panchayat shall elect one of its elected members to be the President and another to be the Vice-President, and the member so elected shall become President or the Vice-President, as the case may be, of the Municipal Council or Nagar Panchayat:

Provided that the office of the President in Municipal Councils and Nagar Panchayats shall be reserved for Scheduled Castes, Scheduled Tribes and Women in accordance with the provisions of section 12:

Provided further that if the office of the President or the Vice-President is vacated during his tenure on account of death, resignation, removal or no confidence motion, a fresh election for the remainder of the period shall be held from the same category.”.

8. Amendment of section 23.—In section 23 of the principal Act, in sub-section (1), after the words “of his office”, the words “as a member” shall be inserted.

9. Insertion of section 25.—After section 24 of the principal Act, the following new section shall be inserted, namely:—

“25. Motion of no-confidence against President or Vice-President.— (1) A motion of no-confidence against the President or the Vice-President may be made in accordance with the procedure as may be prescribed.

(2) Where a notice of intention to move a resolution requiring the President or the Vice-President of the municipality to vacate his office, signed by not less than majority of its total elected members is given and if a motion of no-confidence is carried by a resolution passed by a majority of elected members present and voting at its general or special meeting, the quorum of which is not less than one-half of its total elected members, the President or the Vice-President against whom such resolution is passed shall cease to hold office forthwith.

(3) Notwithstanding anything contained in this Act or the rules made thereunder, the President or the Vice-President of the municipality shall not preside over a meeting in which a motion of no-confidence is to be discussed against him. Such meeting shall be presided over by such person, and convened in such manner, as may be prescribed and the person against whom a motion of no-confidence is moved, shall have a right to vote and to take part in the proceedings of such meeting.

(4) Motion of no-confidence under this section shall not be maintainable within one year of the date of his election to such office and any subsequent motion of no-confidence shall not be maintainable within the interval of one year of the last motion of no-confidence.”.

10. Amendment of section 69.—In section 69 of the principal Act, in sub-section (1), for the words “The tax on consumption of electricity at the rate of one paise for every unit of electricity consumed by any person within the limits of the municipal area”, the words and signs “The State Government may, by notification, determine a tax on consumption of electricity at the rate not exceeding twenty paise per unit, for electricity consumed by any person within the limits of the municipal area which” shall be substituted.

11. Substitution of section 134.—For section 134 of principal Act, the following section shall be substituted, namely:—

“134. Discharging sewerage.—Whoever, without the permission of the municipality, causes or knowingly or negligently allows the contents of any sink, sewer, or cesspool or any other offensive material to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose, shall be punishable with a fine which shall not be less than two thousand five hundred rupees and not more than ten thousand rupees for the first offence, and for second contravention, in addition to the penalty as specified above, he shall be liable to render community service by personally clearing the public area in and around his premises in question under the supervision of authorized officer of the municipality for not less than a period of one week under videography:

Provided that if such person commits the same offence third time and subsequently, the municipality may deny or stop the civic amenities like water, electricity etc. in residential as well as commercial establishments, as the case may be.”.

12. Repeal of H. P. Ordinance No. 3 of 2013 and savings.—(1) The Himachal Pradesh Municipal (Amendment) Ordinance, 2013 is hereby repealed.

(2) Notwithstanding such repeal any action taken or any thing done under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

विधि विभाग

अधिसूचना

शिमला, 25 सितम्बर, 2013

संख्या: एल0एल0आर0—डी0(6)—28/2013—लेज.—हिमाचल प्रदेश राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 20-09-2013 को अनुमोदित हिमाचल प्रदेश युद्ध पुरस्कार (संशोधन) विधेयक, 2013 (2013 का विधेयक संख्यांक 26) को वर्ष 2013 के अधिनियम संख्यांक 49 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,
चिराग भानु सिंह,
सचिव (विधि)।

2013 का अधिनियम संख्यांक 49

हिमाचल प्रदेश युद्ध पुरस्कार (संशोधन) अधिनियम, 2013

(राज्यपाल महोदया द्वारा तारीख 20 सितम्बर, 2013 को यथाअनुमोदित)

हिमाचल प्रदेश युद्ध पुरस्कार अधिनियम, 1972 (1972 का अधिनियम संख्यांक 9) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के चौंसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. संक्षिप्त नाम.—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश युद्ध पुरस्कार (संशोधन) अधिनियम, 2013 है।

2. धारा 3 का संशोधन.—हिमाचल प्रदेश युद्ध पुरस्कार अधिनियम, 1972 की धारा 3 (1972 का 9) में, "दो" शब्द के स्थान पर "पाँच" शब्द रखा जाएगा।

Act No. 49 of 2013

THE HIMACHAL PRADESH WAR AWARDS (AMENDMENT) ACT, 2013(As Assented to by the Governor on 20TH SEPTEMBER, 2013)

AN

ACT

further to amend the Himachal Pradesh War Awards Act, 1972 (Act No. 9 of 1972).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-fourth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Himachal Pradesh War Awards (Amendment) Act, 2013.

2. Amendment of section 3.—In section 3 of the Himachal Pradesh War Awards Act, 1972 (9 of 1972) for the word “two”, the word “five” shall be substituted.

विधि विभाग

अधिसूचना

शिमला, 25 सितम्बर, 2013

संख्या: एल०एल०आर०-डी०(६)-३०/२०१३-लेज.—हिमाचल प्रदेश राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 20-09-2013 को अनुमोदित हिमाचल प्रदेश नगर निगम (संशोधन) विधेयक, 2013 (2013 का विधेयक संख्यांक 28) को वर्ष 2013 के अधिनियम संख्यांक 48 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,
चिराग भानु सिंह,
सचिव (विधि)।

2013 का अधिनियम संख्यांक 48

हिमाचल प्रदेश नगर निगम (संशोधन) अधिनियम, 2013

(राज्यपाल महोदय द्वारा तारीख 20 सितम्बर, 2013 को यथाअनुमोदित)

हिमाचल प्रदेश नगर निगम अधिनियम, 1994 (1994 का अधिनियम संख्यांक 12) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के चौंसठवें वर्ष में हिमाचल प्रदेश विधानसभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश नगर निगम (संशोधन) अधिनियम, 2013 है।

(2) यह 27 जुलाई, 2013 को प्रवृत्त हुआ समझा जाएगा।

2. धारा 7, 8, 13, 16, 20, 31, 33, 55, 60, 63, 64, 404, 422 और 426 का संशोधन.—हिमाचल प्रदेश नगर निगम अधिनियम, 1994 (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 7, 8, 13, 16, 20, 31, 33, 55, 60, 63, 64, 404, 422 और 426 में “महापौर, उप-महापौर और” शब्द और चिन्ह, जहां-जहां वे आते हैं, का लोप किया जाएगा।

3. धारा 14 का संशोधन.—मूल अधिनियम की धारा 14 की उपधारा (1) में, “महापौर, उप-महापौर और” शब्दों और चिन्हों का लोप किया जाएगा।

4. धारा 34-क का लोप.—मूल अधिनियम की धारा 34-क का लोप किया जाएगा।

5. धारा 36 का संशोधन.—मूल अधिनियम की धारा 36 में,—

(क) उपधारा (1) और इसके विद्यमान परन्तुकों के स्थान पर निम्नलिखित उपधारा और परन्तुक रखे जाएंगे, अर्थात् :—

“(1) निगम अपनी पहली बैठक में और तत्पश्चात् प्रत्येक अढ़ाई वर्ष के अवसान पर, अपने पार्षदों में से किसी एक को निगम का अध्यक्ष, जो महापौर कहलाएगा, और अन्य पार्षद को उप-महापौर के रूप में निर्वाचित करेगी :

परन्तु महापौर का पद अनुसूचित जातियों, अनुसूचित जनजातियों और महिला के लिए; चक्रानुक्रम या लॉट द्वारा विहित रीति से आरक्षित रखा जाएगा :

परन्तु यह और कि जहां पूर्वगामी परन्तुक में निर्दिष्ट व्यक्तियों के किसी वर्ग की जनसंख्या, नगरपालिका क्षेत्र की कुल जनसंख्या के पन्द्रह प्रतिशत से कम हो वहां महापौर का पद उस वर्ग के लिए आरक्षित नहीं होगा।” और

(ख) उपधारा (2) और इसके विद्यमान प्रथम परन्तुक के स्थान पर निम्नलिखित उपधारा और परन्तुक रखा जाएगा, अर्थात् :—

“(2) निगम के महापौर और उप-महापौर की पदावधि, इनके इस रूप में निर्वाचन की तारीख से अढ़ाई वर्ष की होगी, जब तक कि इस बीच वह महापौर या उप-महापौर के रूप में अपने पद से त्यागपत्र नहीं दे देता या जब तक उप-महापौर को महापौर के रूप में निर्वाचित नहीं कर दिया जाता तथा वह अपनी पदावधि के अवसान पर अपने पद पर नहीं रहेगा :

परन्तु यदि महापौर और उप-महापौर का पद रिक्त हो जाता है या अवधि के दौरान मृत्यु, पदत्याग या अविश्वास प्रस्ताव के कारण रिक्त हो जाता है, तो रिक्त होने के एक मास की अवधि के भीतर, उसी वर्ग से शेष अवधि के लिए नया निर्वाचन करवाया जाएगा :”।

6. धारा 37 का अन्तः स्थापन.—मूल अधिनियम की धारा 36 के पश्चात् निम्नलिखित नई धारा अन्तः स्थापित की जाएगी, अर्थात् :—

“37. महापौर और उप-महापौर के विरुद्ध अविश्वास प्रस्ताव.—(1) महापौर और उप-महापौर के विरुद्ध अविश्वास प्रस्ताव ऐसी प्रक्रिया के अनुसार लाया जा सकेगा, जैसी विहित की जाए।

(2) जहां निगम के महापौर या उप-महापौर से उसके पद को रिक्त करने की अपेक्षा करने के लिए, इसके कुल निर्वाचित पार्षदों के बहुमत द्वारा हस्ताक्षरित संकल्प लाने के लिए इस आशय का नोटिस दिया जाता है और यदि इसकी साधारण या विशेष बैठक में उपस्थित और मतदान करने वाले निर्वाचित पार्षदों के बहुमत द्वारा, जिसकी गणपूर्ति इसके निर्वाचित पार्षदों की कुल संख्या के आधे से कम नहीं है, पारित संकल्प द्वारा अविश्वास प्रस्ताव पारित किया जाता है, तो वह महापौर या उप-महापौर जिसके विरुद्ध ऐसा संकल्प पारित किया जाता है, तत्काल प्रभाव से अपने पद पर नहीं रहेगा।

(3) इस अधिनियम या तद्धीन बनाए गए नियमों में किसी बात के होते हुए भी, निगम का महापौर और उप-महापौर ऐसी बैठक की अध्यक्षता नहीं करेगा, जिसमें उसके विरुद्ध अविश्वास प्रस्ताव पर विचार किया जाना है। ऐसी बैठक की अध्यक्षता, ऐसे व्यक्ति द्वारा की जाएगी और ऐसी रीति में आयोजित की जाएगी जैसी विहित की जाए तथा व्यक्ति जिसके विरुद्ध अविश्वास प्रस्ताव लाया गया है, उसे ऐसी बैठक की कार्यवाहियों में भाग लेने और मत देने का अधिकार होगा।

(4) इस धारा के अधीन अविश्वास प्रस्ताव, उसके ऐसे पद पर निर्वाचन की तारीख से छह मास के भीतर पोषणीय नहीं होगा और कोई पश्चात्पूर्ति अविश्वास प्रस्ताव, पूर्व अविश्वास प्रस्ताव से छह मास के अन्तराल के भीतर पोषणीय नहीं होगा।”।

7. धारा 46 का संशोधन.—मूल अधिनियम की धारा 46 की उपधारा (3) के पश्चात् निम्नलिखित परन्तुक अन्तः स्थापित किया जाएगा, अर्थात् :—

“परन्तु वह ग्रेड में पांच वर्ष के नियमित सेवाकाल को पूर्ण करने के पश्चात् संयुक्त आयुक्त (विधि) के रूप में तथा संयुक्त आयुक्त (विधि) के रूप में कम से कम दो वर्ष का नियमित सेवाकाल पूर्ण करने पर अतिरिक्त आयुक्त (विधि) के रूप में पदाभिहित किया जाएगा।”।

8. धारा 54 का प्रतिस्थापन.—मूल अधिनियम की धारा 54 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—

“54. महापौर के निर्वाचन के लिए, साधारण निर्वाचन के पश्चात् निगम की प्रथम बैठक.—(1) साधारण निर्वाचन के पश्चात् निगम की प्रथम बैठक यथासम्भव शीघ्र की जाएगी, परन्तु धारा 13 के अधीन पार्षदों के निर्वाचन के परिणामों के प्रकाशन के तीस दिन के अपश्चात् नहीं और निदेशक द्वारा बुलाई जाएगी।

(2) धारा 57 में किसी बात के होते हुए भी महापौर के निर्वाचन के लिए निदेशक, ऐसे पार्षद को बैठक का सभापतित्व करने के लिए नामनिर्दिष्ट करेगा, जो ऐसे निर्वाचन के लिए अभ्यर्थी न हो।

(3) यदि महापौर के निर्वाचन के दौरान यह प्रतीत होता है कि ऐसे किसी निर्वाचन में किन्हीं अभ्यर्थियों के बीच मत बराबर हैं और मतों में एक मत और जोड़ देने से उन अभ्यर्थियों में से कोई महापौर निर्वाचित होने का हकदार हो जाएगा तो बैठक में सभापतित्व करने वाला व्यक्ति अभ्यर्थियों की उपस्थिति में निकाले जाने वाले लॉट द्वारा और ऐसी रीति से जैसी वह अवधारित करे, उनके बीच विनिश्चय करेगा और जिस अभ्यर्थी के पक्ष में लॉट निकलता है, उसके बारे में यह समझा जाएगा कि उसे एक अतिरिक्त मत प्राप्त हुआ है।”।

9. धारा 56 और 58 का संशोधन.—मूल अधिनियम की धारा 56 और 58 में “महापौर और उप-महापौर सहित” शब्द और चिन्ह जहां-जहां वे आते हैं, का लोप किया जाएगा।

10. धारा 88 का संशोधन.—(क) खण्ड (क) में, “कर की इकाई क्षेत्र दर द्वारा गुणित करके और विशेष क्षेत्र के लिए विहित सुसंगत कारकों पर आधारित होगा” शब्द जहां- जहां वे आते हैं, के स्थान पर “विशेष क्षेत्र के लिए विहित सुसंगत कारकों द्वारा गुणित पर आधारित होगा” शब्द रखे जाएंगे।

(ख) खण्ड (ग) में “इकाई क्षेत्र कर” शब्दों के स्थान पर, “करयोग्य मूल्य” शब्द रखे जाएंगे।

11. धारा 302 का संशोधन.—मूल अधिनियम की धारा 302 की उपधारा (5) के पश्चात् निम्नलिखित उपधारा अन्तः स्थापित की जाएगी, अर्थात् :—

“(6) जो कोई, इस धारा के किसी उपबन्ध का उल्लंघन करता है, तो वह प्रथम अपराध के लिए जुर्माने से, जो द्वितीय अनुसूची की सारणी में तृतीय स्तम्भ में इस धारा के सामने विनिर्दिष्ट रकम तक का हो सकेगा, दण्डनीय होगा और द्वितीय उल्लंघन के लिए, प्रथम अपराध के लिए यथा विनिर्दिष्ट शास्ति के अतिरिक्त, वह निगम के प्राधिकृत अधिकारी के पर्यवेक्षण के अधीन, विडियोग्राफी के अन्तर्गत कम से कम एक सप्ताह की अवधि के लिए व्यक्तिगत रूप से उसके प्रश्नगत परिसरों में या उसके आसपास के सार्वजनिक क्षेत्र को साफ करने की सामुदायिक सेवाएं प्रदान करने के लिए दायी होगा :

परन्तु यदि ऐसा व्यक्ति उसी अपराध को तीसरी बार और तत्पश्चात् भी करता है, तो निगम, यथास्थिति, आवासीय के साथ-साथ वाणिज्यिक स्थापनों में नागरिक सुख-सुविधाओं, जैसे जल की आपूर्ति, विद्युत का प्रदाय आदि करने से इन्कार कर सकेगा या उन्हें बन्द कर सकेगा।”।

12. द्वितीय अनुसूची का संशोधन.—मूल अधिनियम से संलग्न द्वितीय अनुसूची की सारणी में,—

- (i) स्तम्भ 1 के अधीन, धारा “302, उपधारा (1), (2) और (3)” शब्दों, अंकों और चिन्हों के स्थान पर “धारा 302, उपधारा (1), (2), (3) और (6)” शब्द, अंक और चिन्ह रखे जाएंगे;
- (ii) स्तम्भ 3 के अधीन “500” अंकों के स्थान पर “5000” अंक रखे जाएंगे; और
- (iii) स्तम्भ 4 के अधीन “—” चिन्ह के स्थान पर “100” अंक रखे जाएंगे।

13. 2013 के अध्यादेश संख्यांक 2 का निरसन और व्यावृत्तियां.—(1) हिमाचल प्रदेश नगर निगम (संशोधन) अध्यादेश, 2013 का एतद्द्वारा निरसन किया जाता है।

(2) ऐसे निरसन में होते हुए भी इस प्रकार निरसित अध्यादेश के अधीन की गई कोई बात या की गई कोई कार्रवाई इस अधिनियम के तत्स्थानी उपबन्धों के अधीन की गई समझी जाएगी।

AUTHORITATIVE ENGLISH TEXT

Act No. 48 of 2013

THE HIMACHAL PRADESH MUNICIPAL CORPORATION (AMENDMENT) ACT, 2013

(AS ASSENTED TO BY THE GOVERNOR ON 20TH SEPTEMBER, 2013)

AN

ACT

further to amend the Himachal Pradesh Municipal Corporation Act, 1994 (Act No.12 of 1994).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Municipal Corporation (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on 27th day of July, 2013.

2. Amendment of sections 7, 8, 13, 16, 20, 31, 33, 55, 60, 63, 64, 404, 422 and 426.—In sections 7, 8, 13, 16, 20, 31, 33, 55, 60, 63, 64, 404, 422 and 426 of the Himachal Pradesh Municipal Corporation Act, 1994 (hereinafter referred to as the “principal Act”), the words and sign “Mayor, Deputy Mayor and” wherever they occur shall be omitted.

3. Amendment of section 14.—In section 14 of the principal Act, in sub-section (1), the words and sign “Mayor, Deputy Mayor and” shall be omitted.

4. Omission of section 34-A.—Section 34-A of the principal Act shall be omitted.

5. Amendment of section 36.—In section 36 of the principal Act,—

(a) for sub-section (1) and the existing provisos, the following sub-section and provisos shall be substituted, namely:—

“(1) The Corporation shall at its first meeting and thereafter at the expiration of every two and half years, elect one of its Councillors to be the Chairperson to be known as the Mayor and another Councillor to be the Deputy Mayor of the Corporation :

Provided that the office of the Mayor shall be reserved for the Scheduled Castes, Scheduled Tribes and Women; by rotation or by lots in the manner prescribed :

Provided further that where the population of any class of persons referred to in the foregoing proviso is less than fifteen percent of the total population of the Municipal area, the office of the Mayor shall not be reserved for that class.” ; and

(b) for sub-section (2) and existing first proviso, the following sub-section and proviso shall be substituted, namely :—

“(2) The term of office of the Mayor and the Deputy Mayor of the Corporation shall be two and half years from the date of his election, as such, unless in the mean time he resigns his office as Mayor or Deputy Mayor or unless in the case of Deputy Mayor is elected as the Mayor and he shall cease to hold his office on the expiry of his term of office :

Provided that if the office of the Mayor or Deputy Mayor is vacated or falls vacant during the tenure on account of death, resignation or no-confidence motion, a fresh election within a period of one month of the vacancy shall be held from the same category, for the remainder period.”.

6. Insertion of section 37.—After section 36 of the principal Act, the following new section shall be inserted, namely :—

“37. Motion of no confidence against Mayor or Deputy Mayor.—(1) A motion of no confidence against the Mayor or the Deputy Mayor may be made in accordance with the procedure as may be prescribed.

(2) Where a notice of intention to move a resolution requiring the Mayor or the Deputy Mayor of the Corporation to vacate his office, signed by not less than majority of its total elected

Councillors is given and if a motion of no confidence is carried by a resolution passed by a majority of elected Councillors present and voting at its general or special meeting, the quorum of which is not less than one-half of its total elected members, the Mayor or the Deputy Mayor against whom such resolution is passed shall cease to hold office forthwith.

(3) Notwithstanding anything contained in this Act or the rules made thereunder, the Mayor or the Deputy Mayor of the Corporation shall not preside over a meeting in which a motion of no confidence is to be discussed against him. Such meeting shall be presided over by such a person, and convened in such manner, as may be prescribed and the person against whom a motion of no confidence is moved, shall have a right to vote and to take part in the proceedings of such meeting.

(4) Motion of no confidence under this section shall not be maintainable within six months of the date of his election to such office and any subsequent motion of no confidence shall not be maintainable within the interval of six months of the last motion of no confidence.”.

7. Amendment of section 46.—In section 46 of the principal Act, after sub-section (3), the following proviso shall be inserted, namely :—

“Provided that he shall be designated as Joint Commissioner (Legal) after completion of five years regular service in the grade and Additional Commissioner (Legal) on completion of at least two years regular service as Joint Commissioner (legal).”.

8. Substitution of section 54.—For section 54 of the principal Act, the following section shall be substituted, namely :—

“54. First meeting of the Corporation after general elections for election of the Mayor.—(1) The first meeting of the Corporation after general elections shall be held as early as possible but not later than thirty days after the publication of the results of the election of the Councillors under section 13 and shall be convened by the Director.

(2) Notwithstanding anything contained in section 57, for election of the Mayor, the Director shall nominate a Councillor who is not a candidate for such election to preside over the meeting.

(3) If during the election of Mayor it appears that there is an equality of votes between the candidates at such election and that the addition of a vote would entitle any of these candidates to be elected as Mayor, then, the person presiding over the meeting shall decide between them by lot to be drawn in the presence of the candidates and in such manner as he may determine, and the candidate on whom the lot falls shall be deemed to have received an additional vote.”.

9. Amendment of sections 56 and 58.—In sections 56 and 58 of the principal Act, the words “including Mayor and Deputy Mayor” wherever they occur shall be omitted.

10. Amendment of section 88.—In section 88 of the principal Act,—

- (a) in clause (a), the words “unit area rate of tax and” wherever they occur shall be omitted; and
- (b) in clause (c), for the words “unit area tax” the words “ratable value” shall be substituted.

11. Amendment of section 302.—In section 302 of the principle Act, after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Whoever contravenes any of the provisions of this section shall be punishable with fine, which may extend to the amount specified against this section in the 3rd column of the table to the SECOND SCHEDULE for first offence, and for second contravention, in addition to the penalty as specified for first offence, he shall be liable to render community service by personally clearing the public area in and around his premises in question under the supervision of authorized officer of the Corporation for not less than a period of one week under videography :

Provided that if such person commits the same offence third time and subsequently, the Corporation may deny or stop the civic amenities like water, electricity etc. in residential as well as commercial establishments, as the case may be.”.

12. Amendment of SECOND SCHEDULE.—In SECOND SCHEDULE appended to the principal Act, in the table,—

- (a) under column 1, for the words, figures and signs “Section 302, sub-sections (1), (2), (3)”, the words, figures and signs “Section 302, sub-sections (1), (2), (3) and (6)” shall be substituted;
- (b) under column 3, for the figures “500”, the figures “5000” shall be substituted; and
- (c) under column 4, for the sign “—” the figures “100” shall be substituted.

13. Repeal of H.P. Ordinance No. 2 of 2013 and savings.—(1) The Himachal Pradesh Municipal Corporation (Amendment) Ordinance, 2013 is hereby repealed.

(2) Notwithstanding such repeal any action taken or any thing done under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

विधि विभाग

अधिसूचना

शिमला, 25 सितम्बर, 2013

संख्या: एल0एल0आर0-डी0(6)-25/2013-लेज.—हिमाचल प्रदेश राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 20-09-2013 को अनुमोदित हिमाचल प्रदेश भू-राजस्व (संशोधन) विधेयक, 2013 (2013 का विधेयक संख्यांक 25) को वर्ष 2013 के अधिनियम संख्यांक 47 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश ई-राजपत्र में प्रकाशित करती हैं।

आदेश द्वारा,
चिराग भानु सिंह,
सचिव (विधि)।

हिमाचल प्रदेश भू-राजस्व (संशोधन) अधिनियम, 2013

(राज्यपाल महोदय द्वारा तारीख 20 सितम्बर, 2013 को यथाअनुमोदित)

हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 (1954 का अधिनियम संख्यांक 6) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के चौंसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. **संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश भू-राजस्व (संशोधन) अधिनियम, 2013 है।

2. **धारा 34 का संशोधन.**—हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 34 में,—

(क) उपधारा (1) में, “प्रत्येक सम्पदा के सम्बद्ध राजस्व अधिकारी से” शब्दों के स्थान पर “प्रत्येक सम्पदा के पटवारी से” शब्द रखे जाएंगे; और

(ख) उपधारा (3) में, “और राजस्व अधिकारी” शब्दों का लोप किया जाएगा।

3. **धारा 35 का संशोधन.**—मूल अधिनियम की धारा 35 में,—

(क) उपधारा (1) में, “या सम्बद्ध राजस्व अधिकारी” शब्दों का लोप किया जाएगा;

(ख) उपधारा (2) में, “या सम्बद्ध राजस्व अधिकारी” शब्दों का लोप किया जाएगा;

(ग) उपधारा (3) में, “यथास्थिति, पटवारी या राजस्व अधिकारी” शब्दों और चिन्ह के स्थान पर “पटवारी” शब्द रखा जाएगा; और

(घ) उपधारा (5) में, “या राजस्व अधिकारी” शब्दों का लोप किया जाएगा।

AUTHORITATIVE ENGLISH TEXT

Act No. 47 of 2013

THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT) ACT, 2013(AS ASSENTED TO BY THE GOVERNOR ON 20TH SEPTEMBER, 2013)

AN

ACT

further to amend the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-fourth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Himachal Pradesh Land Revenue (Amendment) Act, 2013.

2. Amendment of section 34.—In section 34 of the Himachal Pradesh Land Revenue Act, 1954 (hereinafter referred to as “the principal Act”),—

- (a) in sub-section (1), for the words “by the Revenue Officer concerned for each estate”, the words “by the Patwari of each estate” shall be substituted; and
- (b) in sub-section (3), the words “and the Revenue Officer” shall be omitted.

3. Amendment of section 35.—In section 35 of the principal Act,—

- (a) in sub-section (1), the words “or the Revenue Officer concerned” shall be omitted;
- (b) in sub-section (2), the words “or the Revenue Officer concerned” shall be omitted;
- (c) in sub-section (3), the words and signs “or the Revenue Officer, as the case may be,” shall be omitted; and
- (d) in sub-section (5), the words “or the Revenue Officer” shall be omitted.

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

NOTIFICATION

Shimla, the 25th September, 2013

No. HPERC/F(5)(3)(1)(Gen).—In exercise of the powers conferred by clauses (zd), (ze) and (zf) of sub-section (2) of section 181 read with sections 61, 62 and 86, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Himachal Pradesh Electricity Regulatory Commission (hereinafter called the “Commission” or “the HPERC”) proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Hydro Generation Tariff) Regulations, 2011, published in the Rajpatra, Himachal Pradesh, dated 2nd April, 2011 and hereby publishes the proposed draft amendment regulations, as required by sub-section (3) of section 181 of the said Act, read with rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft amendment regulations will be taken into consideration after the expiry of 21 days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto. The draft Regulations and the explanatory memorandum to the proposed amendments shall also be made available on the HPERC website www.hperc.org.

The objections or suggestions in this behalf can be sent by post to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Commercial Complex, Khalini, Shimla-171002, or by e-mail to hperc@rediffmail.com or by fax to +91-177- 2627162.

DRAFT REGULATIONS**PART-I
PRELIMINARY**

Short title, commencement and application.—(1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Hydro Generation Tariff) (Second Amendment) Regulations, 2013.

(2) These amendment regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh and shall be applicable for the tariff orders to be issued for the control periods commencing with effect from 1st April, 2014 and thereafter.

1. Amendment of regulation 3.—For regulation 3 of the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2011 (hereinafter called the “said regulations”) —

(a) after clause (2), the following clause (2-a) shall be inserted, namely:—

“(2-a) “**aggregate revenue requirement**” “or ARR” means the costs pertaining to hydro generating stations which are permitted, in accordance with these Regulations, to be recovered from the tariffs and charges determined by the Commission;”.

(b) in clause (4) the words “annual performance review” wherever appearing, the words “mid-term performance review” shall be substituted.

(c) In clauses (19) and (20), for the figures “01.04.2011”, the words “first year of the control period” shall be substituted.

(d) after clause (23), the following clause (23-a) shall be inserted, namely:—

“(23-a) “**mid-term performance review**” “or MPR” means the review of performance of the generator undertaken by the Commission for the year after the middle year of the control period and this includes the True Up of the previous control period and True Up of previous years of the control period;”.

(e) in clause (24) for the figures “01.04.2011” the figure and words “1st April of the first year of control period” shall be substituted.

(f) for clause (25) the following clause (25) shall be substituted, namely:—

“(25) “**Normative Annual Plant Availability Factor**” or “**NAPAF**” in relation to a generating station means the availability factor as specified in the regulation on ‘Operational Norms’;”.

2. Substitution of regulation 9.—For regulation 9 of the said regulations, the following regulation 9 shall be substituted, namely:—

“9. True Up

(1) The true up across various controllable parameters shall be conducted by the Commission, for the previous years for which the actual/audited accounts are made available by the generator, at the times and as per principles stated below: —

(A) at the times—

- (i) for the previous years of the previous control period:- along with the petition for determination of ARR cum generation tariff for the control period;
- (ii) for the previous years of the control period and for the previous control period:- along with the mid-term performance review during the control period; and
- (iii) for the control period true up:- along with the mid-term performance review of the next control period;

(B) as per principles—

- (i) the Commission shall review actual capital investment vis-à-vis approved capital investment;
 - (ii) depreciation and financing cost, which includes cost of debt including working capital (interest), cost of equity (return) shall be trued up on the basis of actual/audited information and prudence check by the Commission; and
 - (iii) any surplus and deficit on account of O&M expenses shall be to the account of the generating company and shall not be trued up in ARR.
- (2) The gain or loss on account of other controllable factors, unless otherwise specifically provided by the Commission shall be to the account of the generating company.
 - (3) Notwithstanding anything contained in these regulations, the gains or losses in the controllable items of ARR on account of force majeure, change in law and change in taxes and duties shall be passed on as an additional charge or rebate in ARR over such period as may be laid down in the order of the Commission.”

3. Amendment of regulation 10.—In regulation 10 of the said regulations, for the words “Short Term Prime Lending Rate of the State Bank of India” the words and figures “Base Rate of the State Bank of India plus 350 basis points” shall be substituted.

4. Amendment of regulation 11.—In sub-regulation (2) of regulation 11 of the said regulations, in the Eighth Proviso for the figures “01.04.2011” the words “start of the first year of the control period” shall be substituted.

5. Amendment of regulation 14.—At the end of sub-regulation (3) of regulation 14 of the said regulations, the following proviso shall be inserted, namely:—

“Provided that variations in capital cost of such Renovation and Modernization works on account of cost overruns beyond the value at which the works and/ or supplier are awarded to EPC contractors/ Suppliers, 100% of the variation shall be considered as part of the capital cost of the project if such can be attributed to a force majeure event or any other reason beyond the control of the generator and if such cannot be attributed to any reason beyond the control of the generator, then 50% of variation shall be considered as part of the capital cost of the project.”

6. Amendment of regulation 19.—In regulation 19 of the said regulations, for the words and figure “Short Term Prime Lending Rate of the State Bank of India as on the 1st April of the relevant year” the words and figures “average Base Rate of State Bank of India for the last six months prior to the filing of the MYT petition plus 350 basis points” shall be substituted.

7. Amendment of regulation 21.—In regulation 21 of the said regulations—

(a) for the sub-regulation (2), the following sub-regulation (2) shall be substituted, namely:—

“(2) The rate of return on equity shall be computed by grossing up the base rate with the normal tax rate as per latest available audited accounts of the generating company:

Provided that in line with the provisions of the relevant Finance Acts of the respective year, the return on equity with respect to the actual tax rate applicable to the generating company during the years of the control period shall be trued up separately for each year during the mid-term performance review and at the end of the control period along with the tariff petition filed for the next control period.”

(b) in illustration (ii) to sub-regulation (3), for the figures and symbol “33.22%”, the figures and symbol “32.99%” shall be substituted.

8. Substitution of regulation 22.—For regulation 22 of the said regulations, the following regulation 22 shall be substituted, namely:—

“22. Operation and Maintenance (O&M) Expenses

(1) Operation and Maintenance (O&M) expenses shall comprise of the following:—

- (a) salaries, wages, pension contribution and other employee costs;
- (b) administrative and general costs;
- (c) repairs and maintenance; and
- (d) other miscellaneous expenses including insurance costs, statutory levies and taxes (except corporate income tax).

(2) Operation and maintenance expenses, for the existing generating stations which have been in operation for 3 years or more as on 31 March 2013, shall be derived on the basis of actual operation and maintenance expenses for the years 2010-11 to 2012-13, based on the audited balance sheets, excluding abnormal operation and maintenance expenses, if any, after prudence check by the Commission.

(3) In case of hydro generating stations, which have been in commercial operation for less than 3 years as on 31 March 2013, the Operation and maintenance expenses shall be fixed at 2% of the original project cost, excluding cost of rehabilitation and resettlement works, and shall be escalated in accordance with the escalation principles specified in sub-regulation (6).

- (4) In case of the hydro generating stations declared under commercial operation on or after 1.4.2013, operation and maintenance expenses shall be fixed at 2% of the original project cost, excluding cost of rehabilitation and resettlement works, and shall be escalated in accordance with the escalation principles specified in subregulation
- (5) Post, determination of base O&M Expenses for the generator/generating company in sub-regulation (2), the O&M expenses for the nth year and also for the year immediately preceding the control period, shall be approved based on the formula given below:—

$$O\&M_n = R\&M_n + EMP_n + A\&G_n:$$

Where –

‘O&M_n’ – Operation and Maintenance expenses for the nth year;

‘EMP_n’ – Employee Costs for the nth year;

‘R&M_n’ – Repair and Maintenance costs for the nth year;

‘A&G_n’ – Administrative and General Costs for the nth year; and –

‘EMP_n’ = [(EMP_{n-1}) x (1+G_n) x (CPIinflation)] + Provision(EMP)

‘A&G_n’ = [(A&G_{n-1}) x (WPIinflation)] + Provision(A&G)

‘R&M_n’ = K x (GFA_{n-1}) x (WPIinflation); and –

EMP_{n-1} – Employee Cost of the generator for the (n-1)th year; (employee cost for the base year would be adjusted for provisions for expenses beyond the control of the licensee and one time expected expenses, such as recovery/ adjustment of terminal benefits, implication of pay revisions, arrears and interim relief);

‘Provision(EMP)’- Provision for expenses beyond control of the Transmission company and expected one-time expenses as specified above;

A&G_{n-1} – Administrative and General Costs of the generator/generating company for the (n-1)th year;

Provision(A&G): Cost for initiatives or other one-time expenses as proposed by the generating company and approved by the Commission after prudence check;

‘K’ is a constant to be specified by the Commission: % Value of K for each year of the control period shall be determined by the Commission in the MYT Tariff order based on generator/generating company’s filing, benchmarking of repair and maintenance expenses, approved repair and maintenance expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;

CPIinflation – is the average increase in the Consumer Price Index (CPI) for the three years immediately preceding the base year;

WPIinflation – is the average increase in the Wholesale Price Index (CPI) for the three years immediately preceding the base year;

GFA_{n-1} – Gross Fixed Asset of the generator/generating company for the (n-1)th year;

Gn is a growth factor for the nth year: Value of Gn shall be determined by the Commission in the MYT tariff order for meeting the additional manpower requirement based on generator/generating company's filings, benchmarking, approved cost by the Commission in past and any other factor that the Commission feels appropriate. The Commission may also determine the appropriate level of employees and provide a roadmap for rationalization of employees during the control period:

Provided that repair and maintenance expenses determined shall be utilized towards repair and maintenance works only.

- (6) O&M expenses determined in sub-regulations (3) and (4), shall be escalated for subsequent years to arrive at the O&M expenses for the control period by applying the Escalation factor (EFk) for a particular year (Kth year) which shall be calculated using the following formula:

$$EFk = 0.20 \times WPI \text{Inflation} + 0.80 \times CPI \text{Inflation}$$

Provided that, out of the O&M expenses so determined based on the above regulations, at least 30% shall be spent towards repair and maintenance activities:

Provided further that, the impact of pay revision (including arrears) shall be allowed on actual during the mid-term performance review or at the end of the control period as per audited /unaudited accounts, subject to prudence check and any other factor considered appropriate by the Commission."

9. Amendment of regulation 26.—In sub-regulation (7) of regulation 26 of the said regulations, for the words "eighty paise" wherever these occur, the words "one rupee fifteen paise" shall be substituted.

10. Amendment of regulation 33 – In regulation 33 of the said regulations, after the words "provisions of" the words, alphabets, figures and brackets "Regulations framed by the Central Electricity Authority (CEA) under section 177 (c) and" shall be inserted.

11. Substitution of regulation 34 – For regulation 34 of the said regulations, the following regulation 34 shall be substituted, namely:—

"34. Safety Standards

The generating company shall develop a safety manual and comply with regulations framed in this regard by the Central Electricity Authority (CEA) under section 53 and section 177 (2) (b) of the Act."

12. Substitution of regulation 35 – For regulation 35 of the said regulations, the following regulation 35 shall be substituted, namely:—

"35. Multi-Year Filings for the control period

- (1) "For the Approval of the Commission, the multi-year ARR and tariff filing for each year of the control period consistent with the business plan, shall be done by the petitioner generator not less than 120 days before the commencement of the first year of the control period or such other date as may be directed by the Commission, in such form and in such manner as may be laid down by the Commission by an order and also as per the provisions of the Conduct of Business Regulations.

- (2) The applicant shall also submit the multi-year ARR and tariff filing in electronic format to the Commission.”

13. Amendment of regulation 36 – In sub-regulation (1) of Regulation 36 of the said regulations, for the figure and words “on 1st April of”, the word “during” shall be substituted.

14. Substitution of regulation 37 – For regulation 37 of the said regulations, the following regulation 37 shall be substituted, namely:—

“ 37. Aggregate Revenue Requirement (Multi-year and MPR) and tariff filing during the control period

- (1) The generator /generating company shall file not less than 120 days before the commencement of the first year of the control period or such other date as may be directed by the Commission, an application for approval of multi-year Aggregate Revenue Requirement (ARR) and determination of tariff for each year of the control period.
- (2) To address any mid-term changes on account of unexpected outcomes, the Commission shall undertake mid-term performance review of generating company’s performance for the year after the mid year of the control period;
- (3) The generation company shall make a petition / application for mid-term performance review on the controllable / uncontrollable factors not less 120 days before the commencement of the year after the mid year of the control period as per principles laid down as follows:—
 - (a) In the mid-term performance review, the Commission shall make a comparison of the actual performance and expected revenue from tariff and charges vis-à-vis that approved in the first year of the Control period and the generation company shall submit to the Commission all information together with audited account statements, extracts of books of account and such other details in such form and in such manner as may be laid down by the Commission by an order and also as per the provisions of the Conduct of Business Regulations. The mid-term performance review shall comprise of the following:—
 - (i) True-up of previous control period;
 - (ii) True-up of previous years of control period for which audited accounts are made available by the generator company;
 - (iii) Review of ARR for the balance years of the control period in case of any major change in uncontrollable and/ or controllable parameters;
 - (iv) Review of generation tariff on account of modification in ARR for the balance years of the control period.
- (4) The generator/generation company shall furnish to the Commission, such additional information, particulars and documents as the Commission may require from time to time after such filing of revenue calculations and tariff proposals.
- (5) The generator/generation company shall publish, for the information of the public, the contents of the application in an abridged form in such manner as the Commission may

direct and shall host the complete copy of the filing on its website and shall also provide copies of the documents filed with the Commission to any person at a price not exceeding normal photocopying charges.

Provided that the during the MPR, the Commission may revise the trajectories for various controllable parameters for the remaining period of the control period and this shall be deemed to give consequential effect to the ARR approved in the first year of the control period.”

15. Amendment of regulation 43.—For regulation 43 of the said regulations, the following regulation 43 shall be substituted, namely:—

“43. Tax on Income

In view of pre tax return on equity, tax on the income streams of the generating company shall not be recovered from the beneficiaries:

Provided that the deferred tax liability, excluding Fringe Benefit Tax, for the period up to end of previous control period, whenever it materializes, shall be recoverable directly from the beneficiaries and the long-term customers.”

By Order of the Commission,
Sd/-
Secretary.

**EXPLANATORY MEMORANDUM
TO AMENDMENTS IN**

**HPERC (Terms and Conditions for Determination of Hydro Generation Tariff)
Regulations, 2011**

The Himachal Pradesh Electricity Regulatory Commission (HPERC), while adopting the multiyear tariff framework, framed the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Hydro Generation Tariff) Regulations, 2011 for the MYT Control Period FY12 to FY14. The control period FY12 to FY14 is nearing completion and therefore HPERC has taken up the exercise to draft the regulations for the next control period by amending the existing regulations on the basis of experiences gained by the Commission during existing control period and to incorporate various progressive measures adopted by other Electricity Regulatory Commissions.

The justification and underlying principles for proposed amendments in the existing Himachal Pradesh State Electricity Regulatory Commission (Terms and Conditions for Determination of Hydro Generation Tariff) Regulations, 2011 are as follows:

In accordance with section 3 of the Electricity Act, 2003, Ministry of Power, Government of India has notified the Tariff Policy on January 6, 2006. Section 5.3 (h)(1) of the Tariff Policy states that:

“Section 61 of the Act states that the Appropriate Commission, for determining the terms and conditions for the determination of tariff, shall be guided inter-alia, by multi-year tariff

principles. The MYT framework is to be adopted for any tariffs to be determined from April 1, 2006. The framework should feature a five-year control period. The initial control period may however be of 3 year duration for transmission and distribution if deemed necessary by the Regulatory Commission on account of data uncertainties and other practical considerations. In cases of lack of reliable data, the Appropriate Commission may state assumptions in MYT for first control period and a fresh control period may be started as and when more reliable data becomes available.”

The existing control period of FY12 to FY14 is of three years and the Commission finds that the time is appropriate to move towards five year control period.

To ensure smooth implementation of the multiyear tariff framework and to address any mid-term changes on account of unexpected outcomes, the amendments are proposed in the existing regulations so as to introduce the concept of mid-term review during the control period.

The RBI has directed all banks to switch over to the system of Base rate with effect from July 1, 2010 by replacing the existing system of Prime Lending Rate. In line with the guidelines issued by RBI, all banks have shifted to the system of base rate.

Accordingly, CERC has amended its working capital regulations for computation of interest on working capital at a rate of State Bank base rate + 350 basis points. In line with the above, it is proposed to replace the existing provision of interest on working capital at SBI Short Term Prime Lending Rate with the SBI Base rate + margin of 350 basis points.

The amendment is being made to ensure that the business plan is filed and approved prior to the MYT filings so that the projections are as per business plan of the power system operation company.

In existing regulations the R&M expenditure for nth year depends on the Gross Fixed Assets of the (n-1) year and K Factor determined by the Commission on the basis of past R&M costs, benchmarking of these costs and the filings made by Power System Operation Company. It is also proposed to link the R&M expenditure during the control period with the inflation index through these amendments.

In view of the change in the applicable tax rates, the changes are proposed in the illustrations to the calculations of return on equity in these Regulations.

The existing Regulations are being amended for the next control period and shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh. These regulations shall be applicable for the tariff orders to be issued for the control periods commencing with effect from 1st April, 2014 and thereafter.

By Order of the Commission
Sd/-
Secretary.

Office of the Sub-Divisional Magistrate, Paonta Sahib, District Sirmour (H. P.)**NOTICES**

Whereas, Shri Naresh Kumar Chauhan, Advocate s/o Shri Mundi Ram Chauhan, Court Complex, Paonta Sahib, District Sirmour (H. P.) presently practicing as an advocate at Paonta Sahib, has applied for the appointment as Notary in this Sub-Division;

And whereas, the action under rule 6 and 7 of the Notaries Rules, 1956 is required to be taken on the application of the said advocate.

Therefore, objection, if any to the appointment of the applicant as Notary are hereby invited from the general public, Bar Association and other authority of Paonta Sahib Sub-Division by issuing this notice under rule 6(b) of the said rules within fourteen days of such publication so that further action could be taken in the matter accordingly.

Issued on the 7th day of September, 2013 under my hand and seal of the court.

Notice under Section 6(i) of the Notaries Rules, 1956 inviting objections of the General Public for appointment of Notaries at Sub-Division Paonta Sahib, District Sirmour (H. P.).

Notice is hereby given to the General Public that application for appointment of Notaries have been submitted before the undersigned under section 4 of the above said Act by Shri Jagdish Kumar Negi Advocate, Shri Ravinder Sharma Advocate, Shri Charnjiv Singh Kalra Advocate, Shri Dinesh Singh Tomar Advocate, Smt. Gulshan Ansari Advocate. So a fourteen days clear Notice is being given to General Public for filing any objection against the appointment of the above said Advocates as Notaries at Sub-Division Paonta Sahib, District Sirmour (H. P.). If the objections are not received within stipulated period then the names of the above said Advocates will be sent to The District Magistrate, Sirmour District at Nahan for further information and necessary action.

This notice is issued on the 6th day of September, 2013 under my hand and seal of the court.

Seal.

SHARWAN MANTA,
*Sub-Divisional Magistrate,
Paonta Sahib, District Sirmour (H. P.).*

In the Court of Marriage Officer (SDM), Paonta Sahib, District Sirmour (H.P.)**NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954**

Whereas Shri Kuldeep Sharma s/o Shri P. L. Sharma, r/o H. No. 196(1), W. No. 5, Tehsil Paonta Sahib, District Sirmour (H.P.) and Smt. Shikha Sharma d/o Shri Jyoti Prakash Sharma, r/o Sweet Home, Vikas Nagar, Kasumpti, Shimla (H.P.), have filed an application for he registration of

their marriage solemnized on 27-7-2001 and they have been living as husband and wife ever since then.

Notices are given to all concerned/general public to this effect that if anybody has objection regarding the registration of marriage duly solemnized on 27-7-2001 between above said Shri Kuldeep Sharma and Smt. Shikha Sharma, they should file their written objection or appear personally within 30 days from the date of issue of this notice. After expiry of the said period the marriage certificate would be issued to the applicants by this court.

Issued under my hand and seal of this office on dated 11-9-2013.

Seal.

Sd/-
*Marriage Officer (SDM),
Paonta Sahib, District Sirmour (H.P.).*

In the Court of Marriage Officer (SDM), Paonta Sahib, District Sirmour (H.P.)

NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954

Whereas Shri Bakhsis Singh s/o Shri Hardayal Singh, r/o Village Patlion, P.O. Bata Mandi, Tehsil Paonta Sahib, District Sirmour (H.P.) and Smt. Ranjeet Kaur d/o Shri Banta Singh, r/o Village Beherewala, Tehsil Paonta Sahib, District Sirmour (H.P.) have filed an application for the registration of their marriage solemnized on 21-5-1986 and they have been living as husband and wife ever since then.

Notices are given to all concerned/general public to this effect that if anybody has objection regarding the registration of marriage duly solemnized on 21-5-1986 between above said Shri Bakhsis Singh and Smt. Ranjeet Kaur, they should file their written objection or appear personally within 30 days from this date of issue of this notice. After expiry of the said period the marriage certificate would be issued to the applicants by this court.

Issue under my hand and seal of this office on dated 11-9-2013.

Seal.

Sd/-
*Marriage Officer (SDM),
Paonta Sahib, District Sirmour (H.P.).*

Before the Court of Marriage Officer (SDM), Paonta Sahib, District Sirmour (H.P.)**NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954**

Whereas Shri Anupam Garg s/o Shri Mukesh Garg, r/o Amar Colony, Ward No. 1 Opp. Green Furnitures, Badrinagar, Tehsil Paonta Sahib, District Sirmour (H.P.) and Smt. Neha Atheya d/o Shri Neeraj Atheya, r/o 19/3, Aketa Avenue Body Guard, Canal, Rajpur Road, Dehradun (U.K.) presently residing in Amar Colony, Ward No. 1 Opp. Green Furnitures Badrinagar, Tehsil Paonta Sahib, District Sirmour (H.P.) have filed an application for the registration of their marriage solemnized on 13-7-2013 and they have been living as husband and wife ever since then.

Notices are given to all concerned/general public to this effect that if anybody has objection regarding the registration of marriage duly solemnized on 13-7-2013 between above said Shri Anupam Garg and Smt. Neha Atheya, they should file their written objection or appear personally or through their authorized agents before me within period of 30 days from the date of issue of this notice. After expiry of the said period, the marriage certificate would be issued to the applicant by this court and later on no objection will be heard and accepted.

Issue under my hand and seal of this office on dated 17-9-2013.

Seal.

Sd/-
Marriage Officer (SDM),
Paonta Sahib, District Sirmour (H.P.).

In the Court of Marriage Officer (SDM), Paonta Sahib, District Sirmour (H.P.)**NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954**

Whereas Shri Jaspal Singh s/o Shri Shamsher Singh, r/o H. No. 246, W. No. 11, Devi Nagar, Tehsil Paonta Sahib, District Sirmour (H.P.) and Smt. Sandeep Kaur d/o Shri Succha Singh, r/o H. No. 2515, Sector 19 C, Chandigarh, have filed an application for the registration of their marriage solemnized on 22-10-2012 and they have been living as husband and wife ever since then.

Notices are given to all concerned/general public to this effect that if anybody has objection regarding the registration of marriage duly solemnized on 22-10-2012 between above said Shri Jaspal Singh and Smt. Sandeep Kaur, they should file their written objection or appear personally within 30 days from this date of issue of this notice. After expiry of the said period the marriage certificate would be issued to the applicants by this court.

Issued under my hand and seal of this office on dated 19-9-2013.

Seal.

Sd/-
Marriage Officer (SDM),
Paonta Sahib, District Sirmour (H.P.).

CHANGE OF NAME

I, Amarjeet Kaur w/o Shri Jagtar Singh, r/o Village Bhaini, P.O. Mukari, Tehsil Anandpur Sahib, District Ropar, Punjab have changed my name from Amarjeet Kaur to Amarjit Kaur. All concerned please note.

AMARJIT KAUR
w/o Shri Jagtar Singh,
r/o Village Bhaini, P.O. Mukari,
Tehsil Anandpur Sahib, District Ropar (Pb.).